

EXHIBIT 1

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

Santana Bryson and Joshua Bryson,)	
as Administrators of the Estate of)	
C.Z.B., and as surviving parents of)	
C.Z.B., a deceased minor,)	Case No. 2:22-CV-017-RWS
)	
Plaintiffs,)	JURY TRIAL DEMANDED
)	
v.)	
)	
Rough Country, LLC,)	
)	
Defendant.)	

**DEFENDANT ROUGH COUNTRY, LLC’S SECOND SUPPLEMENTAL
RESPONSE TO PLAINTIFFS’ FIRST REQUESTS FOR PRODUCTION**

Rough Country, LLC, named as a Defendant herein, provides the following supplemental response to Plaintiffs’ First Requests for Production subject to and without waiver of the objections asserted:

REQUESTS FOR PRODUCTION

1.

Please produce all documents about Plaintiffs or C.Z.B.

RESPONSE: Rough Country does not possess any documents responsive to this Request other than information gathered by Rough

Country's counsel through internet research, which is protected by the work product doctrine. By way of further responses, Rough Country objects to this Request to the extent it seeks the production of documents in the future that will be protected by the attorney-client privilege, work product doctrine, common interest privilege, and/or consulting expert privilege.

2.

Please produce all documents about the subject incident, including documents obtained from any third party.

RESPONSE: Rough Country refers Plaintiffs to the documents received from Georgia State Patrol Specialized Collision Reconstruction Team ("SCRT") and Fannin County, which are produced herewith (Bates labeled documents with prefixes GSP SCRT 000001-000660 and Fannin DA 000001-000793). By way of further response, Rough Country objects to this Request to the extent it seeks the production of documents in the future that will be protected by the attorney-client privilege, work product doctrine, common interest privilege, and/or consulting expert privilege.

3.

Please produce all design documents for the subject lift kit, including all engineering drawings.

RESPONSE: Rough Country refers Plaintiff to the component design and engineering drawings produced herewith (Bates Nos. CONFIDENTIAL RC000209-RC000239), produced subject to Plaintiffs' agreement to be bound by the Stipulated Confidentiality Agreement and Protective Order that the parties jointly submitted to the Court.

4.

Please produce all tests of the subject lift kit.

RESPONSE: Rough Country refers to the testing documents produced herewith (Bates Nos. CONFIDENTIAL RC000240-RC000251), produced subject to Plaintiffs' agreement to be bound by the Stipulated Confidentiality Agreement and Protective Order that the parties jointly submitted to the Court. Rough Country is still in the process of searching for additional testing documentation and will supplement if it is able to locate any additional information.

5.

Please produce all design documents for any lift kit made by Rough Country with a similar design to the subject lift kit, including all engineering drawings.

RESPONSE: Rough Country has over 500 different lift kits that are 4.5" or higher for over 80 vehicle model platforms. If by similar design to the

subject lift kit, Plaintiffs are referring to all 4.5” or higher lift kits, since 2014 Rough Country has sold over 635,000 units on over 80 vehicle model platforms. As phrased, Rough Country objects to this Request on the grounds that it is grossly overbroad and unduly burdensome. Rough Country further objects to this Request on the grounds that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. This Request is further objectionable on the grounds that the term “similar design” is vague.

Subject to these objections and without waiver same, Rough Country states that if Plaintiffs agree to narrow the scope of this Request to 4.5” and 6” lift kits for Ford F250 vehicles, it will provide the design documentation requested.

6.

Please produce all tests of any lift kit made by Rough Country with a similar design to the subject lift kit.

RESPONSE: Rough Country has over 500 different lift kits that are 4.5” or higher for over 80 vehicle model platforms. If by “similar design to the subject lift kit,” Plaintiffs are referring to all lift kits greater than or equal to 4.5” in height, since 2014 Rough Country has sold over 635,000 units on

over 80 vehicle model platforms. As phrased, Rough Country objects to this Request on the grounds that it is grossly overbroad and unduly burdensome. Rough Country further objects to this Request on the grounds that it seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence. This Request is further objectionable on the grounds that the term “similar design” is vague.

Subject to these objections and without waiver same, Rough Country states that if Plaintiffs agree to narrow the scope of this Request to 4.5” and 6” lift kits for Ford F250 vehicles, it will provide the testing documentation requested.

SUPPLEMENTAL RESPONSE:

Rough Country refers Plaintiffs to FMVSS 126 testing produced subject to the Stipulated Confidentiality Agreement and Protective Order (Bates Nos. RC-BRYSON CONFIDENTIAL 005378-005417).

SECOND SUPPLEMENTAL RESPONSE:

Pursuant to the parties’ agreement to limit the scope of Request No. 6, and applying the agreed-upon scope of the “similar testing” to include all testing related to a 4.5-inch or 6-inch lift on any Ford F-Series truck from 2015 to present, Rough Country refers Plaintiffs to three FMVSS 126 tests.

The first FMVSS 126 test, on a 2015 Ford F-150, was previously produced to Plaintiffs subject to the Stipulated Confidentiality Agreement and Protective Order at RC-BRYSON CONFIDENTIAL 005378-005417. The other two tests, on a 2021 Ford F-150, are being produced subject to the Stipulated Confidentiality Agreement and Protective Order as RC-BRYSON CONFIDENTIAL 008204-008238 and 008239-008273.

7.

Please produce all patents held or licensed by Rough Country that relate to the subject lift kit.

RESPONSE: None.

8.

Please produce all marketing materials for the subject lift kit.

RESPONSE: Rough Country refers Plaintiff to the product page for the “4.5in Ford Suspension Lift Kit” for 2017 and 2018 from its website and Product Guides for 2016 to 2018 produced herewith (Bates No. RC000252-RC000382).

9.

Please produce all documents about the sale of the subject lift kit, including all documents provided with the subject lift kit.

RESPONSE: Rough Country does not have the actual documents that would have been provided with the subject lift kit; however, exemplar instruction sheets that are provided with the lift kit, the driver decal warning, and the service sticker window cling are produced herewith (Bates Nos. RC000405-RC000416). Rough Country refers Plaintiff to the sales and box Bill of Materials for 2016 to May 2018 produced herewith (Bates Nos. RC000383-RC000386).

SUPPLEMENTAL RESPONSE:

Rough Country refers Plaintiffs to the Sales Order produced (Bates No. RC-BRYSON 005377).

10.

Please produce all warnings, cautions, or direction provided to any person about the subject lift kit.

RESPONSE: Rough Country refers Plaintiffs to the driver decal warning, instruction sheets, service sticker window cling, and the “State Lift Laws” pages from its website are produced herewith (Bates Nos. RC000405-

RC000416).

11.

Please produce all documents about any incident similar to the subject incident, regardless of whether the incident resulted in injury or death.

RESPONSE: Rough Country objects to this Request on the grounds that it is overly broad and seeks irrelevant information and information not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiver of these objections, Rough Country states that it is not aware of any incident that it considers “similar” to the subject incident. There has been only one incident in the last 10 years resulting in a lawsuit against Rough Country in which a person claimed to have been injured by a vehicle that was lifted which collided with her vehicle (the *Bacho* case). However, the *Bacho* case involved a different vehicle with a larger lift kit that was involved in a different type of accident than occurred here. As such, Rough Country does not concede this incident is “similar,” but will nevertheless produce a copy of the *Bacho* Complaint. (Bates Nos. RC000387-RC000404).

SUPPLEMENTAL RESPONSE:

Rough Country states that it is not aware of any incident that it

considers “similar” to the subject incident. Beyond the last 10 years, Rough Country states that these types of allegations were made in the *Mendoza v. Heckethorn Products, Inc.*, case in Texas; and in the *Gomez v. Munoz*, case in Texas. The *Mendoza* case involved a different vehicle with a different lift kit of a different height and a different type of collision. The *Gomez* case involved a different vehicle and a different product. As such, Rough Country does not concede these incidents are “similar,” but will nevertheless produce a copy of the *Mendoza* and *Gomez* Complaints. Rough Country refers Plaintiffs to the Complaints produced (Bates Nos. RC-BRYSON 005360-5376).

12.

Please produce any statements or recordings (whether written or oral) from any person related to any aspect of the subject incident.

RESPONSE: Other than the SCRT file, Fannin County file, and the video previously produced, Rough Country is not aware of any statements or recordings.

13.

Please provide a complete copy of any insurance policy that does or may afford insurance coverage for the subject incident.

RESPONSE: Rough Country refers Plaintiffs to the insurance policies

previously produced.

14.

Please produce any reservation of rights letters from any insurer that does or may provide insurance coverage for the subject incident.

RESPONSE: None.

15.

Please produce all documents that support Rough Country's contention that C.Z.B.'s injuries and death as well as Plaintiffs' damages were caused by an unforeseeable, intervening, or superseding act of others.

RESPONSE: Rough Country refers Plaintiffs to the SCRT documents and its report indicating "it can be stated the proximate cause of this collision is Mr. Hunter Elliott operated [sic] his vehicle in a reckless and an unsafe manner while under the influence of alcohol. Mr. Elliott's actions were the direct result in the death of [C.Z.] Bryson." (SCRT Investigative Summary, p. 6, Case Number SCRTB-017-20). Discovery has just commenced; therefore, Rough Country will supplement as necessary as evidence is developed.

[signatures on following page]

This 13th day of July, 2023.

3344 Peachtree Road, N.E.
Suite 2400
Atlanta, Georgia 30326
404-876-2700
404-875-9433 (fax)

WEINBERG, WHEELER, HUDGINS,
GUNN & DIAL, LLC

/s/Aaron B. Chausmer

Richard H. Hill
Georgia Bar No. 354425
Lindsay G. Ferguson
Georgia Bar No. 140970
Claire C. Murray
Georgia Bar No. 225885
Aaron B. Chausmer
Georgia Bar No. 119998

*Attorneys for Defendant Rough Country,
LLC*

CERTIFICATE OF SERVICE

This is to certify that I have electronically served the foregoing
DEFENDANT ROUGH COUNTRY, LLC'S SECOND SUPPLEMENTAL
RESPONSE TO PLAINTIFFS' FIRST REQUESTS FOR PRODUCTION via
email to the attorneys of record:

TEDRA L. CANNELLA
tedra@cannellasnyder.com

ROBERT H. SNYDER, JR.
rob@cannellasnyder.com

RORY A. WEEKS
rory@cannellasnyder.com

DEVIN L. MASHMAN
devinn@cannellasnyder.com

CANNELLA SNYDER LLC
315 W Ponce de Leon Ave
Suite 885
Decatur, GA 30030

ATTORNEYS FOR PLAINTIFFS

This 13th day of July, 2023.

WEINBERG, WHEELER,
HUDGINS, GUNN & DIAL, LLC

/s/Aaron B. Chausmer
Aaron B. Chausmer
Georgia Bar No. 119998

*Attorneys for Defendant Rough Country,
LLC*